

Case No. 22-16897

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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ARNOLD ABRERA

*Plaintiff and Appellant,*

v.

GAVIN NEWSOM, et al.,

*Defendants and Appellees.*

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Appeal From The United States District Court,  
For the Eastern District of California,  
Honorable John A. Mendez, Presiding  
U.S. District Court Case No. 2:22-cv-01162-JAM-DB

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**STATEMENT OF NO POSITION**

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**I.**

**INTRODUCTION AND STATEMENT OF NO POSITION**

Appellant brings this case before this Court as an appeal from a final order denying Plaintiff-Appellant's Motion for a Preliminary Injunction and Declaratory Relief. (ER-3, Order of Docket No. 29, filed December 9, 2022.) Plaintiff's Motion was directed to two named defendants in the underlying matter: (1) GAVIN NEWSOM, in his official capacity as Governor of the State of California; and (2) ROB BONTA, in his official capacity as Attorney General of the State of California.

Defendants CITY OF ELK GROVE, BOBBY DAVIS, and JONATHAN P. HOBBS were not parties to the underlying motion and a Notice of Non-Opposition to Plaintiff's Motion for Preliminary Injunction was filed with this Court on October 20, 2022. (Order of Docket No. 21, filed October 20, 2022.)

The Honorable John A. Mendez, Senior United States District Judge denied Plaintiff's Motion for a Preliminary Injunction. The Order denying Plaintiff's Motion for Preliminary Injunction, an eight page document, provides the Court's grounds for the denial. (Order of Docket No. 29, Filed December 9, 2022.) The Order addresses the injunction directed to Defendants Governor GAVIN NEWSOM and California Attorney General ROB BONTA as they were the parties against whom Plaintiff sought to enjoin.

Defendants CITY OF ELK GROVE, BOBBY DAVIS, and JONATHAN P. HOBBS, non-parties to the underlying motion, do not seek to assert any position as to Plaintiff-Appellant's appeal. Defendants CITY OF ELK GROVE, BOBBY DAVIS, and JONATHAN P. HOBBS hereby submit this Notice of No Position to Appellant's Opening Brief.

DATED: February 2, 2023

KRONICK, MOSKOVITZ, TIEDEMANN &  
GIRARD  
A Professional Corporation

By: /s/ Terilynn Diepenbrock  
David W. Tyra  
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Jonathan P. Hobbs

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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**9th Cir. Case Number(s)**    22-16897

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**Date**    February 2, 2023

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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